

Message Text

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71

ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03

SS-15 USIA-15 ACDA-19 IO-15 AID-20 COME-00 EB-11

FRB-02 TRSE-00 XMB-07 OPIC-12 CIEP-02 LAB-06 SIL-01

OMB-01 SCEM-02 INT-08 STR-08 DRC-01 /230 W

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R 280842Z SEP 73

FM AMEMBASSY BERN

TO SECSTATE WASHDC 8236

INFO AMEMBASSY TRIPOLI

C O N F I D E N T I A L BERN 4035

E.O. 11652: GDS

TAGS: ENRG, SZ

SUBJECT: OIL EXPROPRIATIONS: U.S. POSITION

REF: STATE 182055

1. ON SEPTEMBER 27 EMBOFFS DELIVERED TEXT OF REFTEL
NOTE TO DR. FRIEDRICH MOSER, CHIEF OF NEWLY FORMED
INDEMNITY AGREEMENTS SECTION IN FEDERAL POLITICAL DEPART-
MENT. THIS SECTION WILL HENCEFORTH HANDLE ALL LEGAL
QUESTIONS AND NEGOTIATIONS RELATING TO EXPROPRIATION
OF SWISS PROPERTIES.

2. ALTHOUGH DR. MOSER HAD ESSENTIALLY NO REACTION TO
THE LIBYAN PROBLEM, HE DID SAY THAT SWITZERLAND'S LEGAL
POSITION REGARDING EXPROPRIATIONS WAS SIMILAR TO THE
UNITED STATES POSITION. THAT IS, EVERY NATION HAS THE
SOVEREIGN RIGHT TO EXPROPRIATE BUT SHOULD PAY JUST AND
ADEQUATE COMPENSATION FOR PROPERTIES EXPROPRIATED.
(SEE BERN 2552, OCTOBER 27, 1971, FOR FULLER EXPOSITION
OF SWISS POSITION.) WITH REGARD TO ARBITRATION,
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DR. MOSER SAID THAT SWITZERLAND GENERALLY FAVORS THE

PRINCIPLE OF ARBITRATION BETWEEN GOVERNMENTS BUT THAT
ARBITRATION BETWEEN PRIVATE FIRMS AND A GOVERNMENT WAS
A SPECIAL CASE AND SWITZERLAND PRESENTLY HAS NO POLICY
ON THIS QUESTION. HE SAID THAT IT WAS A DIFFICULT LEGAL
PROBLEM WHICH HE WOULD HAVE TO THINK ABOUT.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NATIONALIZATION, PETROLEUM, AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BERN04035
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS PERCIVAL
Errors: N/A
Film Number: n/a
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973094/aaaaacxg.tel
Line Count: 67
Locator: TEXT ON-LINE
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 182055
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 01 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01-Oct-2001 by eisnerah>; APPROVED <05-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OIL EXPROPRIATIONS: U.S. POSITION
TAGS: ENRG, SZ, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005